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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,478	11/19/2001	Nathaniel Heard	9692.6807	5130

44538 7590 07/25/2006

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,478

Applicant(s)

HEARD, NATHANIEL

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 12 and 20 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention/species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on May 18, 2006.

Applicant has amended claim 20 to additionally define individual inner tube segments and requested that it be rejoined. It however is still considered that this claim is directed to an entirely different and distinct mutually exclusive embodiment (using springs, etc.) from that originally claimed/presented and therefore remains withdrawn.

As to the previous species requirement with respect to use of sealant, upon reconsideration in view of applicant's comments, it is agreed that the original disclosure can be read to define that the sealant can be present for all embodiments and thus the two species previously identified would not be mutually exclusive - no claims directed to sealant have therefore been withdrawn.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 2, 4-6, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over [Clarke (US 1,450,170) or Courtenay (US 1,260,651) or Jacobs (US 921710) or May (US 794,372) or Hequembourg (US 764,891) or Desson (US 1,025,610)] in view of at least one of [Zamora et al. (US 2,283,843), Veazie (US 563,823), Elgendi (US 6,269,85) and Turner (US 1,154,817)] as applied in the last office action and further in view of at least one of [Phelps (US 472485 - newly cited) and Gayner (US 855267 - newly cited)].

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Use of sealant on an inner wall of a tire tube is well known to help close punctures - Phelps and Gayner are merely exemplary. To use such with any inner tube, be it single or plural/segmented would have been obvious to help provide resistance to loss of air with punctures. It is noted that claim 4 and its dependent claims have been included within this rejection as it does not define over a single "segment" (note the "at least one" language) divided into cells as suggested in the secondary references as applied in the last office action.

4. Claims 7-10, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over [Clarke (US 1,450,170) or Courtenay (US 1,260,651) or Jacobs (US 921710) or May (US 794,372) or Hequembourg (US 764,891) or Desson (US 1,025,610)] as applied in the last office action taken in view of at least one of [Barbera (US 3,438,419 -newly cited) and Orszag et al. (US 1,696,051 - newly cited)].

Providing an inner tube in plural segment each of which can be further segmented into plural inflatable cells is known and obvious in this art to help minimize the impact of loss of inflation in any given cell - note Barbera (esp. figs. 5-8 - note walls "27" delimit the segments) and Orszag et al. (e.g. note segments delimited by partitions "11").

5. Claims 3, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over [Clarke (US 1,450,170) or Courtenay (US 1,260,651) or Jacobs (US 921710) or May (US 794,372) or Hequembourg (US 764,891) or Desson (US 1,025,610)] as applied in the last office action taken in view of at least one of [Barbera (US 3,438,419 -newly cited) and Orszag et al. (US 1,696,051 - newly cited)] as applied

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above and further in view of at least one of [Phelps (US 472485 - newly cited) and Gayner (US 855267 - newly cited)].


Use of sealant on an inner wall of a tire tube is well known to help close punctures - Phelps and Gayner are merely exemplary. To use such with any inner tube, be it single or plural/segmented would have been obvious to help provide resistance to loss of air with punctures.

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendments to the claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
July 24, 2006